

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
July 8, 2008

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The City Council convened in Special Session on Tuesday, July 8, 2008, at 7:00 p.m. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, Richard Veit, and Michael Weller. Absent: None. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #46867

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

Recess into Closed Session

A motion was made by MICHAEL KLINGHAMMER to recess into Closed Session relative to legal actions, causes of action, or litigation (RSMo 610.021.1), at 7:02 p.m. LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Viet, Weller, and Beckering. "Nay": None. Absent: None. Motion passed.

Reconvene in Open Session

The City Council reconvened in Open Session at 7:50 p.m., in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, Richard Veit, and Michael Weller. Absent: None.

Public Comment Relative to Agenda Items

Council Bill 9658 Authorizing a Cooperation Agreement, Management Agreement and Ground Lease By and Between the City of St. Charles and ShowMe Aquatics & Fitness for the Financing, Construction Operation and Management of a Community Center

**Harry LeBlanc**, 3417 Greiner, voiced concern relative to Council Bill 9658, including placing the ballot issue on the August 5, 2008, election rather than the November 4, 2008, election.

Council Bill 9692 Amending Section 115.34 of the Code of Ordinances Pertaining to Limitations on Granting Licenses

**Michael Franklin**, 320 Tompkins, spoke in favor of Council Bill 9692.

**Mike Williams**, 223 North Main Street, #210, spoke in favor of Council Bill 9692.

**Amy Wilson**, 218 North Main Street, spoke in favor of Council Bill 9692.

**George Denninger**, 115 North Main Street, spoke in opposition to Council Bill 9692.

**Susan Berthold**, 302 North Main Street, spoke in opposition to Council Bill 9692.

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**Mike Maurer**, 125 North Main Street, spoke in opposition to Council Bill 9692.

**Holly Haddox**, 1001 South Main Street, spoke in opposition to Council Bill 9692.

**Sharlotte Worthington**, 220-226 North Main Street, spoke in opposition to Council Bill 9692.

Council Bill 9696 Approving the Amended and Restated Redevelopment Agreement  
Pertaining to the Plaza at Noah's Ark

**Richard Joseph**, Attorney Representing Cullinan Companies, Streets of St. Charles at the Plaza at Noah's Ark, 416 Main Street, Peoria, Illinois, spoke in favor of Council Bill 9696.

**Jeff Giebelhousen**, 211 Fulton Street, Suite 700, Peoria, Illinois, spoke in favor of Council Bill 9696.

Public Comment Relative to City Issues

**Bill Davis**, 1946 Sibley, spoke relative to City issues.

Bills for Final Passage

**Bill 9658 (Substitute Bill No. 1) (Tabled to July 15, 2008)**

An Ordinance Authorizing a Cooperation Agreement, Management Agreement and Ground Lease By and Between the City of St. Charles and ShowMe Aquatics & Fitness for the Financing, Construction Operation and Management of a Community Center  
(Sponsors: *Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller*)

A motion was made by DAVE BECKERING to table Council Bill 9658 to the Regular Council Meeting scheduled for July 15, 2008. ERV ERMELING seconded the motion. A roll call vote was taken, with the following results: "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, and Feldman. "Nay": None. Absent: None. Motion passed.

Councilmember Laurie Feldman announced that an informational meeting relative to the proposed Community Center is scheduled for Thursday, July 31, 2008, from 6:30 p.m. – 8:00 p.m. at the St. Charles County Library – McClay Branch.

**Bill 9686**

An Ordinance Amending Ordinance Number 07-316 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2008 (Budget Amendment #4) (Sponsors: *Jerry Reese, Richard Veit, Michael Weller, Larry Muench, Laurie Feldman, Bob Kneemiller, and Ron Stivison*)

**Passed** "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer  
"Nay": None  
Absent: None

**Approved** by the Honorable Mayor on July 9, 2008, and is known as **Ordinance 08-137**

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**Bill 9691**

An Ordinance Vacating a Ten (10) Foot Wide Utility Easement Located on Lot 13 of The Manors of Wynnbrooke (*Sponsor: Michael Klinghammer*)

**Passed** “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer

“Nay”: None

Absent: None

**Approved** by the Honorable Mayor on July 9, 2008, and is known as **Ordinance 08-138**

**Bill 9692 (Amended)**

An Ordinance Amending Section 115.34 of the Code of Ordinances Pertaining to Limitations on Granting Licenses (*Richard Veit*)

A motion was made by RICHARD VEIT to amend Council Bill 9692 by amending Section 115.34(B)(10)(b) by deleting the reference to six licenses and inserting the reference to four licenses. ERV ERMELING Seconded the motion. A roll call vote was taken on the amendment, with the following results: “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, and Ermeling. “Nay”: Feldman. Absent: None. Motion passed.

**Bills for Introduction**

The following Council Bills were introduced:

**Bill 9693**

An Ordinance Authorizing a Right-of-Way Encroachment License Agreement with Rumples Pub and Grill for the Construction, Operation and Maintenance of a Sidewalk Café Located at 221 North Main Street (*Sponsor: Richard Veit*)

**Bill 9694**

An Ordinance Authorizing Acceptance of the 8” Sanitary Sewer Main Extension on the Corriveau Property (Located Between 3152 and 3156 Morgantown Drive) and Release of Security (*Sponsor: Michael Klinghammer*)

**Bill 9695**

An Ordinance Adopting the Aquatic and Recreational Facilities Code, Chapter 233, OSCCMo, as Currently Enacted and Amended Hereafter, Including All Fee Provisions Therein and Authorizing St. Charles County to Collect the Fees Imposed by that Code (*Sponsors: Jerry E. Reese and Laurie Feldman*)

**Bill 9696 (Amended Prior to Introduction)**

An Ordinance Approving the Amended and Restated Redevelopment Agreement Pertaining to the Streets of St. Charles at Noah’s Ark (*Sponsor: Laurie Feldman*)

A motion was made by LAURIE FELDMAN to amend Council Bill 9696 by revising the Amended and Restated Redevelopment Agreement pertaining to the Streets of St. Charles at Noah’s Ark in accordance with the agreement presented as Exhibit 1 to the Ordinance with the header identified as CVR Discussion Draft dated July 8, 2008. MICHAEL KLINGHAMMER

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seconded the motion. A roll call vote was taken, with the following results: "Aye": Muench, Reese, Stivison, Veit, Weller, Ermeling, Feldman, Klinghammer, and Kneemiller. "Nay": Beckering. Absent: None. Motion passed.

Discussion was held relative to the timeline for introduction and passage of Council Bill 9696, and the timeframe for the Streets of St. Charles at Noah's Ark Project.

Consent Agenda

Councilmember Bob Kneemiller removed *Item 6.A. Authorization to Negotiate with Jacobs Engineering Group, Inc. for the Design of the Improvements to the Elm Point Water Treatment Plant* from the Consent Agenda. A motion was made by BOB KNEEMILLER to receive and approve the balance of the Consent Agenda. RICHARD VEIT seconded the motion. A roll call vote was taken, with the following results: "Aye": Reese, Stivison, Veit, Weller, Beckering, Ermeling, Klinghammer, Kneemiller, and Muench. "Nay": None. Absent: Feldman. Motion passed.

- A. Authorization to Negotiate with Jacobs Engineering Group, Inc. for the Design of the Improvements to the Elm Point Water Treatment Plant

REMOVED FROM THE CONSENT AGENDA

- B. Approval of Liquor License Application for Osama Khoury dba Sky Lounge Bar & Grill Located at 311 North Main Street

File #46710

- C. Approval of Liquor License Application for Troy Gongwer dba Old Mill Stream Inn Located at 912 South Main Street

File #46710

- D. Approval of Liquor License Application for Alice Stoviak dba Bradden's, LLC Located at 515 South Main Street

File #46710

- E. Approval of Liquor License Application for Terry Cole dba M.T. Rockers Located at #7 Hawk's Nest

File #46710

Items Removed from the Consent Agenda

Item A. Authorization to Negotiate with Jacobs Engineering Group, Inc. for the Design of the Improvements to the Elm Point Water Treatment Plant

Director of Public Works Debra Aylsworth responded to an inquiry of Councilmember Bob Kneemiller that the home base of Jacobs Engineering Group, Inc. is Pasadena, California; however, the Water and Wastewater Division is home based in St. Louis, which division employs approximately 400 people. Councilmember Bob Kneemiller requested that Staff ensure that the provision included in Section 40.42(A)(3) requiring that, in the event the main office of the firm recommended by Staff is not located in either the City of St. Charles or the St. Louis Area, the reasons for not selecting a firm whose main office is located in the City or the St. Louis Area be forwarded to the Council in writing. A motion was made by BOB KNEEMILLER to

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authorize negotiation with Jacobs Engineering Group, Inc. for the design of the improvements to the Elm Point Water Treatment Plant. LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese. "Nay": None. Absent: None. Motion passed.  
File #46868

The Special Council Meeting adjourned at 9:00 p.m.

August 5, 2008  
Date Approved  
Mary A. McCoy  
City Clerk

Jerry Reese  
Jerry Reese, Presiding Officer